

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION No. 04-11492-REK

MARIO LACY,
Plaintiff,

v.

WILLIAM FEENEY, KENNETH
HEARNS, MARC ACLOQUE AND
THE CITY OF BOSTON
Defendants.

**DEFENDANTS FEENEY, HEARNS, ACLOQUE AND CITY OF BOSTON'S MOTION IN
OPPOSITION TO PLAINTIFF'S SUMMARY JUDGMENT**

Now come the Defendants, William Feeney, Kenneth Hearn, Moses Acloque and the City of Boston in the above matter and move this Honorable court to deny the Plaintiff's motion for summary judgment on the following grounds:

1. On November 9, 2005 this Court granted a joint motion (docket # 26) for extension of time to January 31, 2006 to complete discovery and file dispositive motions. Thus, the deadline to file a summary judgment motion was January 31, 2006.
2. On February 8, 2006, counsel appeared before this Court for a Pre-trial Conference. At that time, Plaintiff's counsel did not bring it to the Court's attention that he intended to file a motion for summary judgment.
3. On February 23, 2006, Plaintiff filed a motion for summary judgment with memorandum of law. This motion is twenty three

days beyond the filing deadline. Furthermore, the Plaintiff did not seek leave from this court to file late.

4. This motion has been filed on the eve of trial. Trial is scheduled for April 17, 2006.

For the forgoing reasons, Defendants request that this Honorable Court deny Plaintiff's Motion for Summary Judgment. In the alternative, should this Court choose to entertain the Plaintiff's Motion, the Defendants request additional time to respond substantively to said Motion.

Respectfully submitted
DEFENDANT, CITY OF BOSTON
Merita A. Hopkins
Corporation Counsel

By its attorney:

/s/ Karen A. Glasgow

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2/27/2006

Date